



DEPARTMENT OF PUBLIC SAFETY POLICIES & PROCEDURES



POLICY NUMBER

ADM: 18

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ISSUED ON:
12/15/1991

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10

SUBJECT: FLEET DAMAGE

1.0 PURPOSE

It is the purpose of this policy to establish a standard for reporting, classifying, and investigating damage caused to Department of Public Safety vehicles.

2.0 POLICY

It is the policy of the Department of Public Safety to provide a fair system to its employees regarding the reporting, classifying, and investigation of damage caused to DPS vehicles.

3.0 APPLICABILITY

This policy applies to all Department of Public Safety employees.

4.0 REFERENCES

NONE

5.0 DEFINITIONS

- A. **Act of nature** – Events outside human control, such as sudden floods or other natural disasters, for which no one can be held responsible.
- B. **Chairperson** – The person appointed by the Fleet Safety Committee to coordinate all fleet safety matters and who chairs the Fleet Safety Committee.
- C. **Chief** – The Chief of the New Mexico State Police.
- D. **Criminal Act** – For the purpose of this policy, a criminal act is defined as an intentional act committed against a DPS vehicle causing damage to the vehicle.
- E. **DPS** – Department of Public Safety.
- F. **Driver** – The person in actual physical control of a DPS vehicle that is being operated, or who was last in control of a vehicle that is parked. This person will be listed as Driver # 1 on the Uniform Crash Report.
- G. **Fleet Crash** – Any collision with, or by, a DPS vehicle which causes death or personal injury to any person; causes damage to any vehicle, property, or object; or any damage caused to a DPS vehicle that is parked (attended or un-attended) and is struck by any other vehicle.
- H. **Fleet Damage** – A fleet crash or other incident causing damage to a fleet vehicle.

- I. Fleet Incident** – Any damage caused to a DPS vehicle as a result of an intentional act during the execution of lawful duties (example: P.I.T. maneuver, road block, shooting incident), criminal act, or an act of nature.
- J. Fleet Safety Committee** – A committee of DPS personnel assigned to review and classify fleet crashes in accordance with established guidelines.
- K. Fleet Safety Committee Chairperson** – Selected by the Chief with the concurrence of the Secretary.
- L. Lawful Intentional Act** – A lawful action taken by an officer where the outcome of his/her conduct is substantially certain.
- M. Pursuit Intervention Technique (P.I.T.) Maneuver** – A technique used by an officer to forcibly stop a suspect vehicle by utilizing their patrol vehicle. The forced stop occurs when the pursuing officer makes contact with the side of a suspect's vehicle, causing the suspect's vehicle to rotate into a stopped position.
- N. Training Incident** – Any damage caused to a DPS vehicle during training exercises.

6.0 PROCEDURE

A. Fleet Damage Reporting

1. The employee must immediately report all fleet damage by the quickest means possible to his/her supervisor, who will inform the respective division director through the chain-of-command. Failure to report fleet damage, regardless of fault, may subject the employee to discipline ranging from reprimand to dismissal.
2. The employee will immediately contact the nearest New Mexico State Police office (via radio, telephone, or reliable messenger) and request that an investigation of the damage be completed by a State Police officer, and a CAD number be assigned. In the event a State Police officer is not available, an investigation by another DPS Officer, a County Sheriff's Deputy, or Municipal Police Officer will be requested.
3. The employee will remain at the scene of the damaged vehicle (unless injuries prohibit it) until the on-scene investigation is complete or the employee has been instructed to leave the scene by the supervisor or the investigating officer.

B. Fleet Crash Procedures

1. At the discretion of the District Commander, where the crash occurred, and if a Fleet Crash Investigation Task Force exists, the commander may recommend the fleet crash investigation be conducted by the Task Force when the crash results in serious bodily injury or death of either the employee or another person.
2. A crash re-construction shall be conducted for any crash involving a DPS employee when the crash results in the death of the employee or another person, while the employee is acting in an official capacity.
3. The integrity of the crash scene must be securely maintained until such time as the re-construction officer has released it.

4. Any fleet crash where the investigating officer suspects, or has reason to believe, alcohol or drugs were involved, shall immediately be reported to a supervisor.
5. The District Commander/Director will ensure that the Chief's staff and the Fleet Manager are notified of the date, time, and unit number of the DPS vehicle involved in a crash. The notification can be accomplished through email including the significant event details.
6. In the event that an employee is injured, a Notice of Injury Packet must be completed and forwarded to Headquarters. Department of Public Safety policy *PRS: 11 (R-2) State Police Duty Injury Leave* shall be adhered to. A first notice of accident does not need to be attached to the Fleet Packet.
7. Any fleet crash that occurs during a training exercise will be reported and investigated as per the fleet crash procedures in this section.

8. Driver/Investigating Officer Responsibilities

- a. The following documentation must be submitted together as a Fleet Crash Report Packet by the driver and investigating officer:
 - i. Driver Responsibilities:
 1. Obtain three (3) estimates for the repair of the damage to the vehicle.
 2. Complete a Crash Review Form (narrative from driver shall include details of the incident).
 - ii. Investigating Officer Responsibilities:
 1. Complete a State of New Mexico Uniform Crash Report.
 2. Take photographs of the scene and damage to the vehicle(s).
- b. After the crash investigation has been completed, the driver and investigating officer should work together to complete the Fleet Crash Report Packet.
- c. Once the photographs, Uniform Crash Report, and three (3) estimates are completed by the driver and investigating officer, they shall be faxed or scanned to the Fleet Manager in Special Operations within three (3) business days to expedite the repair process. If these items cannot be submitted within three (3) business days, the driver or investigating officer will need to contact the Fleet Manager.
- d. Once the Fleet Crash Report Packet is complete, it shall be forwarded to headquarters, through the chain of command, within thirty (30) calendar days.
- e. If the driver is seriously injured in the crash and unable to fulfill his/her responsibilities, the driver's direct supervisor, or designee, will obtain the three (3) estimates, and the officer will complete the Crash Review Form as soon as reasonably possible.

9. Administrative Review

- a. Initial Assessment/Classification
 - i. Every employee (driver) involved in a fleet crash must complete a Crash Review Form as part of the Fleet Crash Report Packet.

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- ii. Each fleet crash shall be classified by the Uniform District Commander responsible for the area where the crash investigation occurred.
 - iii. The driver, District Commander, Zone Commander, and Fleet Safety Committee Chairperson must all classify the crash on the Fleet Crash Review Form utilizing the assessment/classification categories as defined in this policy.
 - iv. If everyone's classification is identical, no further action will be required. If, for any reason, all four (4) classifications do not match, the crash shall be reviewed by the DPS Fleet Safety Committee.
- b. Fleet Safety Committee
- i. The Fleet Safety Committee will be comprised of a representative from the State Police Uniform Bureau, Investigations Bureau, Motor Transportation Police Division, and one (1) civilian representative from DPS. Committee representatives, and an alternate for each, will be selected by their respective division directors with the concurrence from the Chief. Alternates will attend when primaries can not.
 - ii. Committee meetings will be called by the Fleet Safety Committee Chairperson at the direction of the Chief. The chairperson shall call meetings two (2) times a year to review fleet crashes, preferably in January and August. A majority vote by members present will constitute the committee's decision. Ties will be broken by the chairperson.
 - iii. An employee whose fleet crash will be reviewed by the Fleet Safety Committee may appear before the Committee. The employee and/or investigating officer(s) must appear before the Fleet Safety Committee, if requested to do so by the chairperson of the Committee.
- c. Assessment/Classification Categories
- i. The Fleet Safety Committee will categorize crashes into one (1) of four (4) categories:
 - 1. **A Classification** – It is clear that no negligence existed on the employee's part.
 - 2. **B Classification** – The employee operated or parked a DPS vehicle in a manner that contributed to the cause of the crash. The employee might have not been negligent, but failed to exercise the care expected of a reasonably prudent person in like circumstances. Very minor crashes usually fall in this category. Backing and weather related crashes, for example, may be generally, but not in all cases, classified in this category.
 - 3. **C Classification** – The crash is a direct cause of an employee's negligence. Crashes that occur while operating without due regard for the width, grade, curves, corners, traffic, road conditions, and all other attendant circumstances may be classified in this category.

4. **D Classification** – The crash is a direct cause of an employee's gross negligence in which the employee operates a vehicle in a careless, inattentive, or imprudent manner.

ii. The Committee's findings will be forwarded to the Chief for review and disposition.

d. Penalties

If the classified crash is the employee's only crash within a one-year period, the following penalties apply:

- i. **A** – No penalty
- ii. **B** – Cautionary Letter
- iii. **C** – Letter of Reprimand
- iv. **D** – State Police Chief's discretion

e. Repeat Crashes

i. If the classified crash is a second or subsequent crash within a one-year period, the following penalties apply:

- 1. **B + B** – Letter of Reprimand
- 2. **B + C** – 1-day Suspension
- 3. **C + C** – 2-day Suspension
- 4. **B + B + B** – 2-day Suspension and driver re-training
- 5. **B + B + C** – 3-day Suspension & driver re-training
- 6. **B + C + C** – 5-day Suspension & driver re-training
- 7. **C + C + C** – State Police Chief's discretion

ii. Notwithstanding any disciplinary schedule referenced in the above paragraphs, the Chief shall review an officer's entire fleet crash record in determining any further disciplinary action up to and including termination.

f. Appeal of Classifications

- i. If the employee failed to, or chose not to, appear when the committee initially convened to evaluate their crash, the employee may appeal the classification decision of the Fleet Safety Committee by requesting a re-classification of the crash in writing to the Chief.
- ii. All re-classification requests must be made within five (5) working days from the date the employee received the classification notice. All such appeals will be heard by the next scheduled committee meeting.
- iii. All disciplinary actions related to the final classification decision by the appeal panel are forwarded to the Chief. An employee penalized by suspension or dismissal may appeal the Chief's decision through the appropriate employee discipline process.

C. Fleet Incident Procedures

1. Act of nature

Driver Responsibilities

- a. Take photographs of the scene and damage to the vehicle.
- b. Obtain three (3) estimates for the repairs needed to the vehicle.
- c. Complete an Inter-Departmental Correspondence (IDC). In the narrative, include the Computer Aided Dispatch (CAD) number associated with the incident and a brief description of how the damage occurred to the vehicle(s).
- d. Once the photographs, IDC, and three (3) estimates are completed by the driver, they shall be faxed or scanned to the Fleet Manager in Special Operations within three (3) business days to expedite the repair process. If these items cannot be submitted within three (3) business days, the driver or investigating officer will need to contact the Fleet Manager.
- e. Once the photographs, IDC, and three (3) estimates are completed, they shall be forwarded to the Special Operations Bureau Commander, through the chain of command, within thirty (30) calendar days.

2. Lawful Intentional Act

a. Driver Responsibilities

- i. Take photographs of the scene and damage to the vehicle(s).
 - ii. Obtain three (3) estimates for the repairs needed to the vehicle.
 - iii. Complete an Inter-Departmental Correspondence (IDC). In the narrative, include the Computer Aided Dispatch (CAD) number associated with the incident and a brief description of how the damage occurred to the vehicle(s).
 - iv. Once the photographs, IDC, and three (3) estimates are completed by the driver, they shall be faxed or scanned to the Fleet Manager in Special Operations within three (3) days to expedite the repair process. If these items cannot be submitted within three (3) business days, the driver or investigating officer will need to contact the Fleet Manager.
- b. If the Lawful Intentional Act involves a pursuit refer to *OPR: 08 Vehicular Pursuits* for further information.
 - c. If the Lawful Intentional Act involves use of force refer to *OPR: 01 Use of Force* for further information.
 - d. If the Lawful Intentional Act involves death or great bodily harm refer to *OPR: 29 Investigation of Use of Force Incidents Resulting in Death or Great Bodily Harm* for further information. **If OPR: 29 applies, the driver will not take photographs, obtain estimates, or complete an IDC regarding the incident. Photographs and the driver's statement will be included in the**

investigating agent's report. The Fleet Manager will track the status of the investigation and follow up with repairs to the vehicle(s) when it is appropriate.

3. Criminal Act

a. Driver Responsibilities

- i. Obtain three (3) estimates for the repairs needed to the vehicle.
- ii. If the Investigations Bureau is not called in to assist, the driver will complete an Inter-Departmental Correspondence (IDC). The narrative will include the Computer Aided Dispatch (CAD) number associated with the incident and a brief description of how the damage occurred to the vehicle(s).
- iii. If the Investigations Bureau is not called in to assist, the driver will be responsible for photographing the scene and the damage to the vehicle.
- iv. Once the photographs, IDC and three (3) estimates are completed by the driver, they shall be faxed or scanned to the Fleet Manager in Special Operations within three (3) business days to expedite the repair process. If these items cannot be submitted within three (3) business days, the driver or investigating officer will need to contact the Fleet Manager.
- v. Once the photographs, IDC, and three (3) estimates are completed, they shall be forwarded to the Special Operations Bureau Commander, through the chain of command, within thirty (30) calendar days.

- b. Reference can be made to OPR: 39 Criminal Investigations to assist personnel in determining whether or not the Investigations Bureau should handle the incident.

4. If the driver is seriously injured in the incident and unable to fulfill his/her responsibilities, the driver's direct supervisor, or designee, will take photographs, and obtain the three (3) estimates. The officer will complete his/her paperwork as soon as reasonably possible.

7.0 ATTACHMENT

A. DPS Crash Review Form

8.0 APPROVAL

APPROVED BY: s/ Gregory J. Fouratt **DATE:** May 1, 2014
DPS Cabinet Secretary